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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSHUA CALEB SHUE

Petitioner,

vs.

CALVIN JOHNSON, *et al.*,

Respondents

Case No. 2:20-cv-02025-KJD-BNW

**RESPONDENTS' UNOPPOSED MOTION
FOR ENLARGEMENT OF TIME TO
ANSWER FIRST AMENDED PETITION
FOR WRIT OF HABEAS CORPUS (THIRD
REQUEST)**

Respondents, Warden Calvin Johnson, *et al.* (Respondents), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Gerri Lynn Hardcastle, Deputy Attorney General, move this Court for a thirty-one-day enlargement of time, or up to and including Thursday, April 06, 2023, to file and serve their answer to Petitioner, Joshua Caleb Shue's (Shue) first amended petition for writ of habeas corpus (ECF No. 23).

This motion is based on the provisions of Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and the attached declaration of counsel, as well as all other materials on file herein.

This is Respondents' third request for an enlargement of time to answer to Shue's first amended petition since this Court denied their motion to dismiss and ordered an answer on the merits. *See* ECF No. 50. Respondents make this motion in good faith and not for the purpose of unnecessary delay.

RESPECTFULLY SUBMITTED this 6th day of March, 2023.

AARON D. FORD
Attorney General

By: /s/ Gerri Lynn Hardcastle
GERRI LYNN HARDCASTLE (Bar. No. 13142)
Deputy Attorney General

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UNITED STATES DISTRICT COURT
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**DECLARATION OF COUNSEL (IN
SUPPORT OF RESPONDENTS'
UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO ANSWER
FIRST AMENDED PETITION FOR WRIT
OF HABEAS CORPUS (THIRD REQUEST))**

I, Gerri Lynn Hardcastle, hereby state, based on personal knowledge and/or information and belief, that the assertions in this declaration are true:

1. I am a Deputy Attorney General in the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration in support of Respondents' motion for enlargement of time to answer to Shue's first-amended petition for writ of habeas corpus (ECF No. 23).

2. By this motion, I am requesting a thirty-one-day enlargement of time, or up to and including Thursday, April 6, 2023, to answer Shue's petition. This is Respondents' third motion for enlargement of time to answer the petition. However, this is Respondents' first motion for enlargement of time to answer since the discovery period concluded and Shue determined he would not amend his petition.

3. The answer to Shue's petition is due today, March 6, 2023.

4. After the time for discovery in this matter closed and after she met with Shue, I contacted opposing counsel, Assistant Federal Public Defender Laura Barrera, to determine if Shue intended to amend his petition. She said Shue would not amend his petition. Since that time, I have

1 attempted to complete the answer, but I have been unable to do so. I need the additional time to
2 adequately represent Respondents' interests and to assist the Court in resolving Shue's claims in this
3 matter.

4 5. Earlier today I exchanged emails with Ms. Barrera, and she informed me she does not
5 oppose the proposed enlargement of time.

6 6. This motion for enlargement of time is made in good faith and not for the purpose of
7 unduly delaying the ultimate disposition of this case.

8 7. Pursuant to 28 U.S.C. § 1746, I hereby certify, under penalty of perjury, that the
9 foregoing is true and correct.

10 EXECUTED on this 6th day of March, 2023.

11 By: /s/ Gerri Lynn Hardcastle
12 Gerri Lynn Hardcastle (Bar. No. 13142)

13
14 IT IS SO ORDERED.

15 Dated this 8th day of March, 2023.

16
17 
18 U.S. DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 6th day of March, 2022, I served a copy of the foregoing **RESPONDENTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO ANSWER FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (THIRD REQUEST)** by U.S. District Court CM/ECF electronic filing to:

Laura Barrera
Assistant Federal Public Defender
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Laura_barrera@fd.org

/s/ April Markiewicz